



***Town of Tyngsborough  
Conservation Commission***

25 Bryants Lane  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 116  
Fax: (978) 649-2301

Minutes  
January 14, 2014  
**APPROVED**

**Present:**

**BM:** Brian Martin      **PM:** Pat Mical      **LB:** Linda Bown      **ES:** Ed Smith      **LG:** Lucy Gertz  
**JK:** Jeff Kablik      **MM:** Matt Marro

**Absent:**

**JE:** Jerry Earl

**Attachments:**

1. Agenda
2. Timco Construction, LLC request to extend standing Orders of Condition – 12/9/13
3. 45 Mascuppic Trail Pictometry

**7:00pm**      BM opened meeting

**7:02pm**      **3 Diaz Dr. (M8, P49D, L1), DEP# 309-0707**  
**4 Diaz Dr. (M8, P47, L9), DEP# 309-659**  
**7 Diaz Dr. (M8, P47, L1), DEP# 309-0708**  
**11 Diaz Dr. (M8, P47, L3), DEP# 309-654**  
**12 Diaz Dr. (M8, P47, L8), DEP# 309-0710**  
**15 Diaz Dr. (M8, P47, L5), DEP# 309-655**  
**17 Diaz Dr. (M8, P47, L6), DEP# 309-0709**

**Requests for an Extension Permit for Orders of Conditions**, for proposed single family homes, septic systems, driveways, retaining walls, grading and utilities. Orders of Conditions issued Jan. 14, 2004; and last extended on Jan. 14, 2010.

MM reported that these lots are part of the Beaver Run subdivision. They haven't been built yet, however, Mr. McCarron wishes to complete the road and build the homes.

**ES:** Motion to issue a 3 year extension to the Order of Conditions for the following addresses and DEP#: 3 Diaz Dr., DEP# 309-0707; 4 Diaz Dr., DEP# 309-659; 7 Diaz Dr., DEP# 309-0708; 11 Diaz Dr., DEP# 309-654; 12 Diaz Dr., DEP# 309-0710; 15 Diaz Dr., DEP# 309-655; 17 Diaz Dr., DEP# 309-0709. The Order of Conditions will expire on 1/14/2017.

**LB:** 2<sup>nd</sup> the motion

**In Favor: 6 Opposed: 0 Absent: 1**

**Passed: 6-0-1**

**7:15pm      45 Mascuppic Trail (M32B, P66, L0) – Request for a Certificate of Compliance, DEP# 309-502.** Order of Conditions issued 12/9/1988.

MM reported that this is an old order. The home is being sold and they need to close out the order. All of the work was completed long ago and appears to be in compliance.

**JK:** Motion to issue a Certificate of Compliance for 45 Mascuppic Trail, DEP# 309-502

**ES:** 2<sup>nd</sup> the motion

**In Favor: 6 Opposed: 0 Absent: 1**

**Passed: 6-0-1**

**7:15pm      364 Westford Rd. (M9, P26, L0) – Request for a Partial Certificate of Compliance, DEP# 309-0865** Order of Conditions issued 4/23/2013.

MM reported that the home has been built, but the grass and landscaping has not been completed. It is anticipated that these issues will be taken care of in the spring, therefore, a partial certificate is recommended.

**JK:** Motion to issue a Partial Certificate of Compliance for 364 Westford Rd., DEP# 309-0865

**LB:** 2<sup>nd</sup> the motion

**In Favor: 6 Opposed: 0 Absent: 1**

**Passed: 6-0-1**

**7:20pm      2 Sleepy Hollow Lane (M25, P57B, L0) – Request for a Certificate of Compliance, DEP# 309-0747.** Order of Conditions issued 7/13/05.

MM reported that this filing had not been submitted in time for the meeting, therefore it can be ignored until it does come in.

## **Director's Reports**

### **Red Pine Terrace Notice of Intent Filing Fees**

MM reported that the Tyngsborough Housing Authority has asked for the permitting fees to be waived for their new project at 186 Frost Rd. (Red Pine Terrace). They will need to file a Notice of Intent as well as a local Stormwater Permit. He went on to say that the Commission could vote to waive the local bylaw fees, but they do not have the authority to waive the State NOI fees. It should be noted that the Board of Selectmen voted in favor of waiving the building permit fees.

**ES:** Motion to waive the local bylaw fee only for 186 Frost Rd. (Red Pine Terrace) for the construction of two two-family dwellings.

**PM:** 2<sup>nd</sup> the motion

**In Favor: 6 Opposed: 0 Absent: 1**

**Passes: 6-0-1**

**Reports/Discussion:**

- **Sherburne Nature Center/Trails Committee Update** – MM reported that some residents have reported vandalism done to the boardwalk over the past few weeks. The Police have been making more frequent checks and will continue to do so.

**Administrative:**

**1. Minutes:**

**LB:** Motion to approve the minutes for November 26, 2013 as written.

**LG:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 1 Abstain: 2**

**Passes: 4-0-1-2**

**JK:** Motion to approve the minutes for December 12, 2013 as written.

**LB:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 1 Abstain: 1**

**Passes: 5-0-1-1**

**7:30pm**

**LB:** Motion to adjourn

**ES:** 2<sup>nd</sup> the motion

**In Favor: 6 Opposed: 0 Absent: 1**

**Passes: 6-0-1**

Respectfully for the Conservation Commission,

Pamela Berman  
Administrative Assistant